

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|-------------------------|---|-----------------------------|
| In re: |) | |
| |) | Case No. 05bk15100 |
| Oahu Sugar Company, LLC |) | |
| |) | Chapter 7 |
| |) | |
| Debtor. |) | Honorable Timothy A. Barnes |
| |) | |

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF ORDER
AWARDING TO PATRICK M. JONES, ATTORNEY FOR TRUSTEE, FOR
ALLOWANCE AND PAYMENT OF INTERIM COMPENSATION AND
REIMBURSEMENT OF EXPENSES

| | | | |
|-----------------------|--------------|------------------------|---------|
| TOTAL FEES REQUESTED: | \$ 29,452.50 | TOTAL COSTS REQUESTED: | \$ 7.27 |
| TOTAL FEES REDUCED: | \$ 216.75 | TOTAL COSTS REDUCED: | \$ 0.00 |
| TOTAL FEES ALLOWED: | \$ 29,235.75 | TOTAL COSTS ALLOWED: | \$ 7.27 |

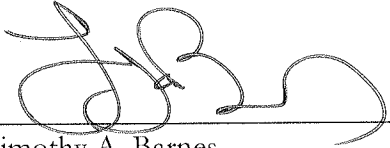
TOTAL FEES AND COSTS ALLOWED: \$ 29,243.02

The attached time and expense entries have been underlined to reflect disallowance in whole or in part. The basis for each disallowance is reflected by numerical notations that appear on the left of each underlined entry. The numerical notations correspond to the enumerated paragraphs below.

(1) Lumping – TOTAL of disallowed amounts (10% of affected entries): \$ 216.75

The Court may impose a ten percent penalty on entries that appear to be “lumping.” The Court will reduce each entry marked as such per the penalty. *In re Wildman*, 72 B.R. 700, 709 (Bankr. N.D. Ill. 1987) (“Applicants may not circumvent the minimum time requirement or any of the requirements of detail by “lumping” a bunch of activities into a single entry. [citation omitted]. Each type of service should be listed with the corresponding specific time allotment.”).

Dated: _____, 2014



Timothy A. Barnes
United States Bankruptcy Judge

- 2 APR 2014

APR - 2 2014

CHECK APPROPRIATE BOX AND SIGN

Prebill

- ☐ OK TO SEND - NO GOLDENROD RETURNED
☐ RECEIVE GOLDENROD FOR FINAL REVIEW
☐ HOLD FOR FUTURE BILLING
☐ WRITE OFF ENTIRE BILL

Attorney Approval: _____

December 16, 2013

67322

Alex D. Moglia, As Trustee of the Bankruptcy
Estate of Oahu Sugar Co., Debtor
1325 Remington Road, Suite H
Schaumburg, IL 60173

For legal services rendered through November 30, 2013

67322-140 Bankruptcy Administration

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|-------------------|---------|---|---|-----|-----------|--------|
| 10/31/12 P. Jones | 6335321 | O | Attended hearing on Motion for 2004 Examination. | .7 | @ 425 /hr | 297.50 |
| 10/31/12 P. Jones | 6335326 | O | Reviewed documents produced pursuant to 2004 examination request. | 1.2 | @ 425 /hr | 510.00 |
| 11/05/12 R. Gavin | 6363061 | I | Initial review of insurance documents received from Pat Jones. | .5 | @ 275 /hr | 137.50 |
| 11/08/12 R. Gavin | 6342223 | I | Begin review and analysis of insurance coverage documents. | .7 | @ 275 /hr | 192.50 |
| 11/08/12 P. Jones | 6346782 | O | Drafting summary of applicable insurance policies for review by client. | 1.2 | @ 425 /hr | 510.00 |
| 11/09/12 R. Gavin | 6342222 | I | Continue review and analysis of insurance coverage documents; Prepare email correspondence to Pat Jones regarding review of documents and recommendations for further handling. | 1.7 | @ 275 /hr | 467.50 |

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|-------------------|---------|---|---|---------------|--------|-------------|
| 11/09/12 P. Jones | 6346791 | O | Drafting interim fee application. | .8 @ 425 /hr | 340.00 | |
| 11/12/12 R. Gavin | 6366332 | I | Receive and review correspondence from Gary Wencel regarding insurance coverage issues. | .1 @ 275 /hr | 27.50 | |
| 11/13/12 P. Jones | 6347440 | O | Revising Interim Fee Application. | .8 @ 425 /hr | 340.00 | |
| 11/27/12 P. Jones | 6362434 | O | Telephone call with counsel to Kaanapali Land LLC regarding compliance with Rule 2004 requests. | .5 @ 425 /hr | 212.50 | |
| 11/27/12 P. Jones | 6362436 | O | Telephone call with court regarding withdrawal of motion for Rule 2004 examination. | .2 @ 425 /hr | 85.00 | |
| 12/04/12 R. Gavin | 6390895 | I | Receive and review email correspondence from Gary Wencel regarding conference to discuss insurance claim; Review email correspondence from Patricia Hurst to Pat Jones regarding United States Department of Justice claim. | .1 @ 275 /hr | 27.50 | |
| 12/05/12 R. Gavin | 6390910 | I | Plan and prepare for telephone conference through review of documents regarding claim; Attend telephone conference with Gary Wencel, Alex Moglia and Pat Jones regarding renewal of claim with Fireman's Fund. | 1.2 @ 275 /hr | 330.00 | (1) Lumping |
| 12/05/12 P. Jones | 6368844 | O | Telephone call with client regarding insurance claims. | .7 @ 425 /hr | 297.50 | |
| 12/05/12 P. Jones | 6368845 | O | Preparing for a call with client regarding documents provided by Kaanapali. | .5 @ 425 /hr | 212.50 | |
| 12/06/12 P. Jones | 6373475 | O | Drafting subpoena for Fireman's Fund. | 1.2 @ 425 /hr | 510.00 | |

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|-------------------|---------|---|---|---------------|--------|----------------|
| 12/07/12 R. Gavin | 6391966 | I | Prepare email correspondence to Fireman's Fund Insurance Company regarding demand for defense and indemnity; Prepare email correspondence to Gary Wencel regarding demand to Fireman's Fund Insurance Company; Receive and review correspondence from Gary Wencel regarding demand to Fireman's Fund Insurance Company. | 1.3 @ 275 /hr | 357.50 | |
| 12/11/12 P. Jones | 6380040 | O | Reviewing Fireman's Fund demand letter. | .5 @ 425 /hr | 212.50 | |
| 12/12/12 P. Jones | 6380060 | O | Attending hearing on interim fee application (1.0); revising proposed order consistent with Court's ruling (.2). | 1.2 @ 425 /hr | 510.00 | |
| 12/18/12 P. Jones | 6386985 | O | Interoffice conference with R. Gavin regarding letter to Fireman's Fund; review and revise letter to Fireman's Fund. | .8 @ 425 /hr | 340.00 | |
| 01/02/13 P. Jones | 6396115 | O | Reviewing Unilateral Administrative Order produced by EPA. | .3 @ 425 /hr | 127.50 | |
| 01/03/13 R. Gavin | 6420810 | I | Review and analyze Unilateral Administrative Order; Continue preparation fo correspondence to Fireman's Fund Insurance Company regarding request for defense and indemnity. . | .3 @ 275 /hr | 82.50 | (1) Lumping |
| 01/04/13 R. Gavin | 6420926 | I | Complete preparation of correspondence to Fireman's Fund Insurance Company regarding request for defense and indemnity. | .2 @ 275 /hr | 55.00 | |
| 01/11/13 R. Gavin | 6422436 | I | Review and analyze Fireman's Fund insurance policy. | .6 @ 275 /hr | 165.00 | |
| 01/16/13 P. Jones | 6413237 | O | Telephone call with R. Gavin regarding demand letter and follow-up subpoena. | .5 @ 425 /hr | 212.50 | |

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|-------------------|---------|---|--|---------------|--------|----------------|
| 01/24/13 R. Gavin | 6424441 | I | Receive and review correspondence from Daniel Kane regarding response to request for documents. | .1 @ 275 /hr | 27.50 | |
| 02/01/13 P. Jones | 6427355 | O | Meeting with G. Wencel to discuss potential settlement. | .5 @ 425 /hr | 212.50 | |
| 02/04/13 R. Gavin | 6450658 | I | Prepare email correspondence to Daniel Kane regarding status of response to request for documents. | .1 @ 325 /hr | 32.50 | |
| 02/06/13 R. Gavin | 6452191 | I | Receive and review email correspondence from M. Plevin regarding information sought from Fireman's Fund and request for additional information; Prepare email correspondence to P. Jones regarding response from Fireman's Fund; Prepare email correspondence to M. Plevin regarding response from Fireman's Fund; Review information previously produced by Oahu Sugar to Fireman's Fund. | .7 @ 325 /hr | 227.50 | (1) Lumping |
| 02/06/13 P. Jones | 6440090 | O | Reviewing response from Fireman's Fund (.5); drafting response (.9). | 1.4 @ 425 /hr | 595.00 | |
| 02/15/13 P. Jones | 6440497 | O | Researching responses to Fireman's Fund inquiry. | 1.2 @ 425 /hr | 510.00 | |
| 02/20/13 R. Gavin | 6454383 | I | Receive and review email correspondence from P. Jones regarding information to produce to Fireman's Fund; Continue preparation of correspondence to M. Plevin regarding response to request for information. . | .4 @ 325 /hr | 130.00 | (1) Lumping |
| 02/20/13 P. Jones | 6447304 | O | Drafting responses to information request from counsel to Fireman's Fund. | 1.6 @ 425 /hr | 680.00 | |
| 03/05/13 R. Gavin | 6456588 | I | Prepare correspondence to Mark Plevin regarding request for documents from Fireman's Fund | .2 @ 325 /hr | 65.00 | |

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Insurance Company.

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|-------------------|---------|---|--|---------------|----------|-------------|
| 03/06/13 R. Gavin | 6483106 | I | Receive and review email correspondence from Mark Plevin regarding response to claim against Fireman's Fund Insurance Company. | .1 @ 325 /hr | 32.50 | |
| 03/07/13 R. Gavin | 6483129 | I | Email correspondence with Pat Jones regarding questions raised by Fireman's Fund Insurance Company; Review documents regarding relationship between Oahu Sugar, American Factors, Kaanapali Land, LLC, and Amfac; Research regarding status of Amfac, Kaanapali Land, LLC and Oahu Sugar for purposes of asserting claim against Fireman's Fund Insurance Company; Prepare email correspondence to Mark Plevin regarding claim and relationship between Oahu Sugar, Amfac and Kaanapali Land, LLC. | 1.6 @ 325 /hr | 520.00 | (1) Lumping |
| 03/15/13 P. Jones | 6470322 | O | Reviewing response from outside counsel to Firemans Fund. | 1.5 @ 425 /hr | 637.50 | |
| 03/18/13 R. Gavin | 6467728 | I | Initial review of correspondence from Mark Plevin regarding response to demand from Oahu Sugar and documents produced by Fireman's Fund Insurance Company. | .3 @ 325 /hr | 97.50 | |
| 03/18/13 P. Jones | 6476252 | O | Reviewing Firemans Fund position statement. | 1.4 @ 425 /hr | 595.00 | |
| 04/03/13 P. Jones | 6492783 | O | Reviewing documents produced by Fireman's Fund. | 2.6 @ 425 /hr | 1,105.00 | |
| 04/17/13 R. Gavin | 6515142 | I | Review documents produced by Fireman's Fund Insurance Company; Prepare email correspondence to Mark Plevin regarding status of response to demand for indemnity; Receive and review correspondence from Mark Plevin regarding status of | .4 @ 325 /hr | 130.00 | (1) Lumping |

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|-------------------|---------|---|--|-----|-----------|-----------------------|
| | | | response to demand for indemnity. . | | | |
| 04/23/13 P. Jones | 6518604 | O | Conference call with the U.S. Department of Navy and the U.S. Department of Justice regarding possible global settlement with Kaanapali LLC and Fireman's Fund. | .7 | @ 425 /hr | 297.50 |
| 05/01/13 P. Jones | 6522645 | O | Conference call with counsel to Kaanapali LLC regarding global settlement with Fireman's Fund. | 1.0 | @ 425 /hr | 425.00 |
| 05/09/13 P. Jones | 6529008 | O | Drafting motion to compel Fireman's Fund to produce documents. | 1.0 | @ 425 /hr | 425.00 |
| 05/16/13 R. Gavin | 6547873 | I | Review status of document production; Prepare email correspondence to Mark Plevin regarding response to request for coverage. | .3 | @ 325 /hr | 97.50 (1) Lumping |
| 05/22/13 P. Jones | 6541592 | O | Drafting motion to compel. | 2.5 | @ 425 /hr | 1,062.50 |
| 05/29/13 P. Jones | 6549972 | O | Revising motion to compel. . | 1.2 | @ 425 /hr | 510.00 |
| 06/04/13 R. Gavin | 6554993 | I | Review status of document production by Fireman's Fund Insurance Company; Prepare email correspondence to Mark Plevin regarding status of response to demand for coverage. | .3 | @ 325 /hr | 97.50 (1) Lumping |
| 06/04/13 R. Gavin | 6555012 | I | Review cost summary received from Department of Justice. | .3 | @ 325 /hr | 97.50 |
| 06/04/13 P. Jones | 6557229 | O | Reviewing EPA summary of incurred costs. | .4 | @ 425 /hr | 170.00 |
| 06/06/13 R. Gavin | 6578325 | I | Review and analyze draft Motion for Civil Contempt; Receive and review email correspondence from Alex Moglia regarding Motion for Civil Contempt; Receive and | .4 | @ 325 /hr | 130.00 (1) Lumping |

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|-------------------|---------|---|---|-----|-----------|----------|-------------|
| | | | review email correspondence from Gary Wencel regarding Motion for Civil Contempt. . | | | | |
| 06/06/13 P. Jones | 6557220 | O | Drafting second motion for civil contempt. | 3.2 | @ 425 /hr | 1,360.00 | |
| 06/07/13 P. Jones | 6557215 | O | Finalizing motion for civil contempt. | 2.6 | @ 425 /hr | 1,105.00 | |
| 06/10/13 P. Jones | 6557212 | O | Drafting amended notice of hearing. | .3 | @ 425 /hr | 127.50 | |
| 06/25/13 P. Jones | 6571752 | O | Attending hearing on second motion for civil contempt. | 1.2 | @ 425 /hr | 510.00 | |
| 06/26/13 R. Gavin | 6581139 | I | Research California statutes and rules regarding service of process on insurance company. | .3 | @ 325 /hr | 97.50 | |
| 06/27/13 P. Jones | 6582617 | O | Drafting revised second motion for civil contempt; serving on additional parties per judge's recommendation. | 1.0 | @ 425 /hr | 425.00 | |
| 07/03/13 R. Gavin | 6609671 | I | Review and analyze correspondence from Mark Plevin regarding Motion for Civil Contempt; Review history of communications with Mark Plevin and insurance carrier regarding demand for defense; Prepare correspondence to Pat Jones regarding past correspondence with Mark Plevin; Receive and review email correspondence from Mark Plevin regarding civil contempt hearing;. | 1.1 | @ 325 /hr | 357.50 | (1) Lumping |
| 07/03/13 P. Jones | 6587164 | O | Telephone conference with counsel to Fireman's Fund, Mark Plevin, regarding Second Motion of Civil Contempt (.3); reviewing letter sent by Plevin (.3). | .6 | @ 425 /hr | 255.00 | |
| 07/04/13 R. Gavin | 6609676 | I | Receive and review email correspondence from Alex Moglia regarding Motion for Civil | .2 | @ 325 /hr | 65.00 | (1) Lumping |

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| | | | Contempt; Receive and review email correspondence from Mark Plevin regarding Motion for Civil Contempt. . | | | |
| 07/05/13 R. Gavin | 6609691 | I | Receive and review email correspondence from Mark Plevin regarding Motion for Civil Contempt. | .1 | @ 325 /hr | 32.50 |
| 07/08/13 P. Jones | 6587195 | O | Telephone conference with Fireman's Fund local counsel regarding hearing on motion for civil contempt and production of requested documents. | .4 | @ 425 /hr | 170.00 |
| 07/09/13 P. Jones | 6587214 | O | Drafting amended notice of filing Affidavit in Support of Second Motion for Civil Contempt. | .3 | @ 425 /hr | 127.50 |
| 07/10/13 P. Jones | 6593912 | O | Attended hearing regarding motion for civil contempt. | 1.5 | @ 425 /hr | 637.50 |
| 07/22/13 P. Jones | 6608053 | O | Telephone call with M. Plevin re: disclosure of settlement agreement. | .4 | @ 425 /hr | 170.00 |
| 07/24/13 P. Jones | 6608069 | O | Reviewing settlement agreement produced in response to contempt motion. | .8 | @ 425 /hr | 340.00 |
| 07/30/13 P. Jones | 6612351 | O | Responding to production from Fireman's Fund Ins. Co. | 1.2 | @ 425 /hr | 510.00 |
| 08/20/13 P. Jones | 6633710 | O | Email exchange regarding settlement agreement. | 1.0 | @ 425 /hr | 425.00 |
| 09/16/13 P. Jones | 6661430 | O | Telephone call with counsel to Kaanapali re: status of remediation. | .5 | @ 425 /hr | 212.50 |
| 09/23/13 P. Jones | 6669554 | O | Drafting demand letter regarding position statement for Firemen's Fund. . | 1.0 | @ 425 /hr | 425.00 |
| 09/25/13 P. Jones | 6670196 | O | Researching assignability of estate's interest in insurance policies. . | 2.5 | @ 425 /hr | 1,062.50 |

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|-------------------|---------|--|---------------|--------|
| 09/26/13 P. Jones | 6670202 | ○ Call with counsel to Kaanapali regarding status of remediation and strategy for moving the case to conclusion. . | 1.0 @ 425 /hr | 425.00 |
| 09/26/13 P. Jones | 6670204 | ○ Drafting Fee Petition Application. . | .5 @ 425 /hr | 212.50 |
| 10/04/13 P. Jones | 6675306 | ○ Telephone call with counsel to Kaanapali regarding possible assignment of Oahu Sugar's rights under the policy (.5); drafting summary and suggested action plan for client (.5). | 1.0 @ 425 /hr | 425.00 |
| 10/14/13 P. Jones | 6687577 | ○ Telephone call with Trustee regarding potential assignment of rights to Kaanapali Land. . | .5 @ 425 /hr | 212.50 |
| 10/17/13 P. Jones | 6687654 | ○ Drafting 9019 Motion for Assignment of Insurance Claims. . | 1.2 @ 425 /hr | 510.00 |
| 10/18/13 P. Jones | 6687670 | ○ Researching fair market value in insurance claims. . | .7 @ 425 /hr | 297.50 |
| 10/22/13 P. Jones | 6698507 | ○ Telephone call with client regarding value of Debtor's interest in insurance policy. | .5 @ 425 /hr | 212.50 |
| 11/01/13 P. Jones | 6710405 | ○ Researching fair market value of an environmental insurance contract. | 2.2 @ 425 /hr | 935.00 |
| 11/13/13 P. Jones | 6717022 | ○ Telephone call with client to discuss proposed sale of debtor's interest in insurance policies. | .6 @ 425 /hr | 255.00 |
| 11/14/13 P. Jones | 6717024 | ○ Drafting outline of potential settlement proposal for existing creditors. | 1.2 @ 425 /hr | 510.00 |
| 11/19/13 P. Jones | 6723903 | ○ Reviewing expenses incurred by U.S. Dept. of Justice and Navy chargeable to the estate. | .8 @ 425 /hr | 340.00 |
| 11/19/13 P. Jones | 6723904 | ○ Reviewing position statement issued by Fireman's Fund. | .6 @ 425 /hr | 255.00 |

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|-------------------|---------|---|---------------|--------|
| 11/21/13 P. Jones | 6723812 | ○ Telephone call with the U.S. Dept. of Justice and Navy re: proposed sale of insurance interests to Kaanapali LLC. | 1.0 @ 425 /hr | 425.00 |
| 11/21/13 P. Jones | 6723912 | ○ Conference call with the EPA and the Navy re: status of Oahu bankruptcy. | 1.0 @ 425 /hr | 425.00 |
| 11/26/13 P. Jones | 6730448 | ○ Telephone call with Fireman's Fund re: potential meeting. | .3 @ 425 /hr | 127.50 |

73.3 29,452.50

Expenses

Conference Call on 08/16/2013 - Patrick Jones. 7.27

Total Expenses ----- 7.27

Rate Summary

| | | |
|----------|-------------------|-----------|
| R. Gavin | 6.8 @ 275.00 /hr | 1,870.00 |
| R. Gavin | 6.8 @ 325.00 /hr | 2,210.00 |
| P. Jones | 59.7 @ 425.00 /hr | 25,372.50 |
| | ----- | ----- |
| | 73.3 | 29,452.50 |

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|---------------------------|----|-----------|
| TOTAL LEGAL SERVICES | \$ | 29,452.50 |
| TOTAL EXPENSES | \$ | 7.27 |
| TOTAL THIS STATEMENT | \$ | 29,459.77 |
| PRIOR OUTSTANDING BALANCE | \$ | 0.00 |
| BALANCE DUE | \$ | 29,459.77 |

=====

Unapplied 0.00 Please apply \$_____ to the following bill.

Trust Amount 0.00 Please apply \$_____ to the following bill.

| | | | | | |
|--------------------------|--------------------|---------------------|---------------------|---------------------|------------------|
| Client A/R -- All | Current A/R | Over 30 Days | Over 60 Days | Over 90 Days | Total A/R |
| | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |